

DECLARATION AND VERIFIED STATEMENT (DECLARATION)
CLAIMING SMALL ENTITY STATUS (37 C.F.R.
§ 1.9(f) AND § 1.27(b))
and
POWER OF ATTORNEY

As a below named inventor, I hereby declare:

that my residence, mailing address, and citizenship are as stated below next to my name;

that I verily believe I am the original and first inventor of the subject matter claimed and for which a patent is sought in the application "**AVALANCHE PHOTODIODE FOR PHOTON COUNTING APPLICATIONS AND METHOD THEREOF**" which application is the attached application;

that I have reviewed and understand the contents of the specification of the above-identified application, including the claims;

that I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application under 37 C.F.R. § 1.56(a);

that I qualify as an independent inventor as defined in 37 C.F.R. § 1.9(c) for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the above-identified invention;

that I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. § 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer

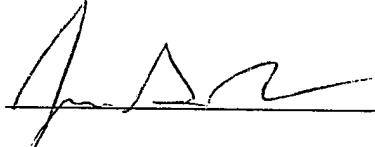
appropriate. (37 C.F.R. § 1.28(b).)

I hereby appoint Joseph Bach, Reg. No. 37,771 to prosecute this application and transact all business in the Patent and Trademark Office concerned therewith.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Inventor James S. VICKERS Citizenship USA

Address (residence and mailing) 2002 Castline Avenue
San Jose, CA 95125

Signature 

Date 11/13/2002